

Message Text

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C O N F I D E N T I A L STATE 116016

E.O. 11652: GDS

TAGS: MASS, EG, US

SUBJECT: EGYPTIAN USE OF C-130S TO TRANSFER EQUIPMENT
TO SOMALIA

1. DURING COURSE OF MARCH 6 TESTIMONY ON SSA FOR EGYPT
BEFORE HAMILTON SUBCOMMITTEE OF HIRC, DEPUTY ASSISTANT
SECRETARY VELIOTES "TOOK" A QUESTION ABOUT WHETHER EGYPTIAN
USE OF C-130 AIRCRAFT TO TRANSPORT MILITARY EQUIPMENT TO
SOMALIA CONSTITUTED A VIOLATION OF U.S. LAW. FOLLOWING IS
REPLY SUBMITTED TO HIRC:

2. QUOTE: IN ACCORDANCE WITH SECTION 3 (A) OF THE ARMS
EXPORT CONTROL ACT, THE CONTRACT OF SALE UNDER WHICH THE
C-130 AIRCRAFT WERE SOLD TO EGYPT EXPRESSLY RESTRICTS THE
USES TO WHICH THOSE AIRCRAFT MAY BE PUT UNLESS THE PRIOR
CONSENT OF THE UNITED STATES GOVERNMENT HAS BEEN OBTAINED.
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SELF-DEFENSE, AND/OR CIVIC ACTION."

3. OUR INFORMATION IS THAT EGYPT DID IN FACT USE THE AIR-
CRAFT IN QUESTION TO FERRY LIMITED QUANTITIES OF MILITARY
SUPPLIES TO SOMALIA DURING THE RECENT FIGHTING IN THE
OGADEN REGION.

4. BOTH DURING TESTIMONY BEFORE THE CONGRESS BY ADMINISTRATION OFFICIALS, AND WHEN PRESIDENT SADAT MET WITH MEMBERS OF CONGRESS IN FEBRUARY 1978, DISCUSSION OF C-130 AIRCRAFT WAS CAST IN TERMS OF AN EGYPTIAN NEED TO BE ABLE TO RESPOND TO EXTENDED SECURITY THREATS POSED BY INSTABILITY AMONG HER AFRICAN NEIGHBORS. THE NATURE OF THESE DISCUSSIONS HAS BEEN SUCH THAT GOE MAY WELL HAVE ASSUMED THERE WAS NO FURTHER NEED FOR U.S. GOVERNMENT AGREEMENT TO SUCH USE OF THESE AIRCRAFT. HOWEVER, EXPLICIT UNITED STATES GOVERNMENT CONSENT TO THE PARTICULAR USE IN QUESTION WAS NEITHER ASKED FOR NOR OBTAINED.

5. IN VIEW OF THE LIMITED NATURE, SCOPE AND DURATION OF THE EGYPTIAN ACTION, WE HAVE CONCLUDED THAT ACTION DID NOT CONSTITUTE A SUBSTANTIAL VIOLATION OF THE EGYPTIAN TERMS OF SALE. WE ARE AGAIN MAKING CLEAR TO EGYPT THAT RESTRICTIONS APPLICABLE TO FMS-ORIGIN DEFENSE ARTICLES MUST BE SCRUPULOUSLY OBSERVED, INCLUDING THOSE RESTRICTIONS PERTINENT TO USAGE OF SUCH ITEMS. UNQUOTE CHRISTOPHER

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